

Franklin County Clerk 2013 Tax Bill Sale Timeline

April 15, 2014	Sheriff turns unpaid tax bills over to county clerk at the close of business
June 15, 2014	Notice in The State Journal that certificates of delinquency will be advertised
June 22, 2014	Advertisement in The State Journal of actual certificates of delinquency
July 25, 2014	9:00 a.m. Clerk's annual sale of current year certificates of delinquency

County Attorney Dates

May 15, 2014	Last day for county attorney to mail thirty (30) day notice
June 15, 2014	Last day for county attorney to mail sixty (60) day notice
July 15, 2014	Last day for county attorney to file a Protected list of certificates of delinquency with county clerk

Third Party Purchaser Dates

All dates are close of business. Postmarks will not be accepted. Paperwork must be submitted by mail or in person. We will not accept any of the required documents via fax or email.

May 27, 2014	Last day to file an application with the Department of Revenue (DOR), if applicable, and participate in our sale on July 25, 2014. This is the latest date that can show on your DOR registration as the date you may begin purchasing certificates of delinquency in 2014 and be eligible to participate in our sale on July 25, 2014
July 11, 2014	Last day for each third party purchaser to register with the county clerk to participate in clerk's sale of priority <u>or</u> current year certificates of delinquency
July 11, 2014	Last day to submit list <u>and</u> payment of priority certificates of delinquency the purchaser intends to purchase. Payment should include 100% of the amount due for each certificate and the \$28.00 lien assignment fee for each certificate listed
July 15, 2014	Last day to submit list of current certificates of delinquency the purchaser is interested in purchasing at the sale, if purchaser was properly registered by the July 11, 2014 deadline. List must be prepared in order by tax bill number, lowest to highest
July 21, 2014	Last day to submit required deposit Deposit is 25% of the total from the list of current certificates of delinquency submitted by July 15, 2014

Please see pages 2-5 for full details of the registration, deposit and sale requirements/procedures.

A registration form for our county and a form to satisfy KRS 134.126(5)(b) are included at the end of this packet.

BANKRUPTCY ISSUES

KRS 134.128 provides that any certificate of delinquency involved in bankruptcy litigation in which the county attorney or department has filed a claim shall be prohibited from being sold by the county clerk. However, since local officials are often not informed timely of these filings, third party purchasers should be encouraged to do their own research before purchasing certificates of delinquency at a tax sale. A subscription service known as "PACER" can be utilized by third party purchasers to get up to date information about bankruptcy filings. Third party purchasers can obtain more information about this service by visiting: www.pacer.psc.uscourts.gov.

FRANKLIN COUNTY CLERK DELINQUENT REAL ESTATE TAX BILL SALE PROCEDURES

2013 Year Tax Bills

The annual sale of current year certificates of delinquency will be held on Friday, July 25, 2014 at 9:00 a.m. in the Franklin County Clerk's office located at 315 W Main Street.

The published notice of all current year certificates of delinquency will be advertised in The State Journal on June 22, 2014. After publication of the advertisement, a listing of these certificates will also be available online at <http://franklincounty.ky.gov/agencies/coclerk.htm>. The website address for this listing will also be included in the published ad on June 22, 2014. Our office will not provide lists of available bills.

Copies of all lists of priority certificates shall be available, by request, no later than forty-eight (48) hours prior to the sale. However, once the priority certificates have been approved, a comprehensive listing will be available at <http://franklincounty.ky.gov/agencies/coclerk.htm>. Additionally, purchasers may make request by contacting our office at 502-875-8702.

Third party purchasers may also obtain delinquent tax information in our office during normal business hours. Our office hours are Monday-Friday 8:00-4:30.

Questions pertaining to the annual sale process should be directed to Debbie Caudle or Guy Zeigler at 502-875-8702.

Department of Revenue Registration

All persons who purchase or intend to purchase any certificate of delinquency that result in the person owning more than:

- more than five (5) certificates of delinquency statewide;
- more than three (3) certificates of delinquency in any county; or
- invests or plans to invest more than \$10,000 in the payment of certificates of delinquency statewide in a calendar year

shall file an application with the Department of Revenue at least sixty (60) days **prior** to the purchase of any certificate of delinquency.

Application and instructions for the revenue application for registration to purchase certificates of delinquency may be obtained by visiting <http://www.revenue.ky.gov/Property+Tax>

County Clerk Registration

At least fifteen (15) days before the date of the clerk's annual sale, each individual or entity seeking to participate in the sale shall register with the county clerk.

Registration form and fee submission deadline is close of business July 11, 2014. Postmarks will not be accepted. We will not accept any of the required documents via fax or email. A registration form for our county and a form to satisfy KRS 134.126(5)(b) are included with this packet.

Registration shall include:

- **A copy of the Certificate of Registration from the Department of Revenue, if applicable**
- Purchaser's name
- Street address
- Mailing address-if different from the street address
- Telephone number
- If the purchaser is an entity, the name of a contact person shall also be provided

Pursuant, in part, to KRS 134.126(5)(b), the clerk shall include as part of the encumbrance recording fee the information required by KRS 134.490(3)(e). This information will be required to be included with the county clerk registration. You may use the attached form or create your own. However, the information must be complete and legible as it will become page 2 of the encumbrance recording.

A potential purchaser shall also submit an affidavit affirming that the purchaser is not related to any other individual or entity that will be participating in the sale. **Multiple related entities or individuals, as determined by the Department of Revenue, will be prohibited from participating in the annual sale.**

Registration fees shall be \$5.00 for each certificate of delinquency on a purchaser's priority list and \$10.00 for each certificate of delinquency on a purchaser's list of current certificates of delinquency, not to exceed \$250.00.

A purchaser shall not be required to pay an additional deposit if the certificate(s) of delinquency is included on both lists, **and** if both lists clearly indicate that the certificate(s) is included on both lists

The registration fee is in addition to the 25% deposit. See Deposit section for additional information.

Purchase Process for Third Party Purchasers with Prior Year Certificates

At least fifteen (15) days before the date of the clerk's annual sale, any individual or entity holding a certificate of delinquency from a prior year shall submit a separate list of current year certificates of delinquency they wish to purchase that relate to the property for which they hold the prior year certificate of delinquency.

Priority lists and payment submission deadline is close of business July 11, 2014. Postmarks will not be accepted. We will not accept any of the required documents via fax or email.

This list shall be clearly identified as a prior year certificate of delinquency list and shall include for each certificate of delinquency:

- The current year's tax bill number;
- The prior year claims' tax bill number;
- The prior year claim's tax year;
- The book and page numbers where the prior year claim is filed, if applicable;
- The map ID or parcel number of the property

Payment shall be tendered at the time the third party purchaser submits the list. This amount shall include the amount due for each certificate and the \$28.00 per certificate lien assignment and recording fee.

During the period between submission of the lists and our sale, we shall review the submitted lists to determine if the individual or entity that submitted the list holds the prior year claim for the most recent tax year. Priority is based on the most recent tax year regardless of the date purchased. The county clerk shall apply the deposit to the payment of any certificates of delinquency purchased at the sale. The county clerk shall refund any unused portion of the deposit to the purchaser no later than ten (10) business days after the completion of the sale.

Failure of a third party purchaser to properly and timely submit a purchase list or to include payment in full shall result in the loss of purchase priority established. Any priority rights not exercised during this phase of the sale will result in the certificate(s) of delinquency being placed in the annual sale to be held Friday, July 25, 2014.

Third Party Purchaser Lists of Current Certificates of Delinquency

At least ten (10) days prior to the annual sale date, third party purchasers shall submit a list of the current certificates of delinquency they are interested in purchasing at the annual tax sale.

Current list submission deadline is close of business July 15, 2014. Postmarks will not be accepted. We will not accept any of the required documents via fax or email.

This list shall be clearly identified as a current year certificate of delinquency list and shall **be prepared in order by tax bill number, lowest to highest** and include for each certificate of delinquency:

- The current year's tax bill number;
- The taxpayer name(s) as shown on the bill;
- The amount due for the certificate of delinquency;
- The map ID or parcel number of the property;
- Total amount due for all certificates of delinquency included on the list

Additionally, there is a \$28.00 fee, per certificate, to cover the assignment and recording of the lien.

Deposit Requirements

The deposit shall be submitted to the county clerk no later than five (5) days prior to the annual sale date.

Deposit submission deadline is close of business July 21, 2014.

A purchaser shall deposit funds with the county clerk at the time of the registration in the following amounts:

- 100% of the value of each certificate of delinquency included on the purchaser's list of priority certificate(s) of delinquency;
- All clerk fees associated with each certificate of delinquency included on the purchaser's list of priority certificate(s) of delinquency;
- Twenty-five (25) percent of the value of each certificate of delinquency included on the purchaser's list of current certificates of delinquency. A purchaser shall not be required to pay an additional deposit if the certificate of delinquency is included on both lists, **and** if both lists clearly indicate that the certificate of delinquency is included on both lists. A purchaser may deposit more than the minimum amount required by the county clerk.

Payment shall be made by cashier or certified check. Company checks will not be accepted.

The county clerk shall apply the deposit to payment of any certificate of delinquency purchased at the sale. Any unused portion of the deposit shall be refunded by the county clerk no later than ten (10) business days after the completion of the sale.

Tax Sale Procedures

The sale shall be conducted in a manner similar to a professional sports draft with each purchaser having an opportunity to purchase certificates in turn through several rounds.

The order of selection shall be determined by a random drawing with the purchaser drawing the lowest number going first.

The purchaser who draws the lowest number during the random drawing shall have the first turn to choose a lot for purchase. Thereafter, purchasers shall select lots to purchase in order based on the random drawing from lowest to highest.

Purchasers that have properly registered and paid the required registration fee and deposit, but who are not present for the random drawing shall be placed at the bottom of the selection list behind the purchasers who were present for the random drawing.

Purchasers shall only be allowed to purchase those certificates included on their previously submitted Current Year list.

The county clerk shall determine how many certificates of delinquency may be purchased in each round at the annual sale based on the following guidelines:

1. In counties with 500 or fewer certificates or delinquency to be sold, the certificates or delinquency shall be sold in lots of up to five (5);
2. In counties with more than 500 and less than 1,000 certificates or delinquency to be sold, the certificates or delinquency shall be sold in lots of up to ten (10);
3. In counties with at least 1,000 and not more than 2, 500 certificates or delinquency to be sold, the certificates or delinquency shall be sold in lots of up to twenty-five (25);
4. In counties with at least 2,500 and not more than 75,000 certificates or delinquency to be sold, the certificates or delinquency shall be sold in lots of up to fifty (50) and
5. In counties with more than 7,500 certificates or delinquency to be sold, the certificates or delinquency shall be sold in lots of no more than fifty (50) for the first four (4) rounds, and, for all subsequent rounds, shall be sold in lots not to exceed two (2) percent of the total number of current certificates or delinquency included in the pool for sale.

For any round of a sale, if there are more certificates or delinquency to be sold than purchasers participating in the sale, the lot size used for that round shall not create fewer lots than the number of purchasers participating.

A purchaser may withdraw from the sale at any time prior to completion of the sale. If a purchaser withdraws from the sale, the purchaser shall not make any further purchases in any later round of the sale. Another purchaser shall not take the place of the withdrawing purchaser.

A purchaser may purchase less than a full lot of certificates or delinquency. **If a purchaser purchases less than a full lot in three (3) consecutive rounds, the purchaser shall be considered to have withdrawn from the sale after the 3rd consecutive partial lot purchase.**

The county clerk shall set a reasonable time limit for purchasers to make their selections. The county clerk may allow a purchaser to select another certificate or delinquency if the selected certificate has already been chosen in an earlier round. However, any alternate selections must be done within the time limit imposed.

Payment of any outstanding balance, after application of all deposits, shall be made by close of business on the business day following the sale date. The total amount due shall include all clerk's fees for all certificates of delinquency purchased at the sale. **Payment shall be made by cashier or certified check.** Company checks will not be accepted.

If full payment for the certificates of delinquency is not received by the deadline, the county clerk shall not assign any certificate of delinquency for which full payment has not been received and those certificates of delinquency shall be available for payment pursuant to KRS 134.127(1)(b). The county clerk shall have discretion as to how to allocate partial payments. If the purchaser's failure to make payment results in additional cost or expense to the county clerk, the county clerk shall forfeit the purchaser's deposit to cover those additional costs and expense.

The county clerk shall have the final say on any question regarding the sale process.

Forms of Payment

Acceptable forms of payment are:

- Cashier's check
- Certified check
- Cash

General Information

All certificates of delinquency purchased will be assigned in the delinquent tax bill system and lodged for record in the encumbrance book. All third party purchasers will receive the original recorded certificate of delinquency, register receipts and any applicable refund no later than ten (10) business days after the completion of the sale.

Releases and Assignments

Releases and/or assignments are to be executed in accordance with KRS 382.365. The fee to record a release or an assignment of a tax bill lien is \$13.00, per lien, for a three (3) page document. Each additional page is an additional \$3.00 per page.

County Clerk Contact Information

Physical Address: 315 W Main St
Frankfort, KY 40601

Mailing Address: P.O. Box 338
Frankfort, KY 40602-0338

Phone: 502-875-8702
Contact Debbie Caudle or Guy Zeigler

Franklin County Clerk
Certificates of Delinquency Sales Registration Form

*This form must be submitted in person or by mail by close of business July 11, 2014. Postmarks will not be accepted. We will not accept this form via fax or email.
Please print. Illegible or incomplete forms will not be accepted.*

1. Name _____
2. Contact Name, if purchaser is an entity: _____
3. Street Address: _____
4. City, State & Zip Code: _____
5. Mailing Address: _____
6. City, State & Zip Code: _____
7. Telephone Number: _____
8. Please attach a copy of Certificate of Registration from the Department of Revenue, if applicable.
9. Please attach a completed form containing the information required by KRS 134.490(3)(e). A blank form is included as the last page of this packet. You may complete it or create your own. Please make sure the form is complete and legible as it will become part of the encumbrance recording for each certificate awarded during the sale process.
10. Please attach a list of each priority certificate of delinquency you intend to purchase at the sale. For each certificate, please provide the following information:
 - The current year's tax bill number;
 - The prior year claims' tax bill number;
 - The prior year claim's tax year;
 - The book and page numbers where the prior year claim is filed, if applicable;
 - The map ID or parcel number of the property
11. Please attach a list of each current certificate of delinquency you intend to purchase at the sale. This list shall be clearly identified as a current year certificate of delinquency list and shall **be prepared in order by tax bill number, lowest to highest,** and include for each certificate of delinquency the following information:
 - The current year's tax bill number;
 - The taxpayer name(s) as shown on the bill;
 - The amount due for the certificate of delinquency;
 - The map ID or parcel number of the property;
 - Total amount due for all certificates of delinquency included on the list
12. Deposit. Calculate your required deposit:
 - Total amount due on all priority certificates listed in Item 7 _____
 - PLUS**
 - Twenty-five (25) percent of amount due on all current certificates listed in Item 8 _____

Please include this amount with your registration.

Total: _____

Acceptable forms of payment are:

- Cashier's check
- Certified check
- Cash

13. Registration fee: \$5.00 for each certificate of delinquency included on the purchaser's priority list **and** \$10.00 for each certificate of delinquency included on the purchaser's current list. The total registration fee shall not exceed \$250.00.
14. Please read and confirm the following sworn statement. Be advised that filing a false sworn statement with the intent to mislead a County Clerk is a violation of KRS 523.030 and is a Class A Misdemeanor.

I hereby certify that I am not participating in this sale in conjunction with any related person or related entity to obtain any advantage over other potential purchasers at the sale.

Commonwealth of Kentucky

County of _____

Subscribed, sworn to and acknowledged before me this _____ day of _____ 20____,

_____.

Notary Public, State at Large

My Commission Expires: _____

Copies of all lists of priority certificates shall be available, by request, no later than forty-eight (48) hours prior to the sale.

However, once the priority certificates have been approved, a comprehensive listing will be available at <http://franklincounty.ky.gov/agencies/coclerk.htm>

Third Party Purchaser's Information
KRS 134.490(3)(e)

Legal Name of Third Party Purchaser: _____

Contact Person, if purchaser is an entity: _____

Third Party Purchaser's Physical Address: _____

Third Party Purchaser's Mailing Address for Payments: _____

**if different from the physical address*

Third Party Purchaser's Telephone Number: _____